

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § CASE NO. 7:19-CV-409
§
6.10 ACRES OF LAND, MORE OR LESS, §
SITUATE IN HIDALGO COUNTY, §
STATE OF TEXAS; YOLANDA §
HERNANDEZ, ET AL. §
§
Defendants. §

ORDER

The Court now considers the Stipulation for Order Establishing Just Compensation, Distributing Funds on Deposit in the Registry of the Court, and Partial Final Judgment filed by the United States of America and 7 of the named Defendants. **IT IS HEREBY ORDERED AND ADJUDGED** that:

1. The full and just compensation payable by the United States to the 7 Defendants in agreement for the taking of Tract RGV-WSL-4004 shall be their proportionate share of the sum of nine-hundred-eighty-five dollars and eighteen cents (\$985.18), plus any accrued interest earned thereon while on deposit, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by the 7 Defendants in agreement against the United States for the institution and prosecution of the above-captioned action.
2. Partial final judgment shall be and is hereby entered against the United States as to only the 7 Defendants in agreement in the amount of nine-hundred-eighty-five dollars

and eighteen cents (\$985.18) for its taking of their interests in Tract RGV-WSL-4004, along with any accrued interest earned thereon while on deposit in the Registry of the Court.

3. The United States previously deposited twenty-five thousand and ten dollars (\$25,010.00) into the Registry of the Court; title to Tract RGV-WSL-4004 vested in the United States by operation of law.
4. The Court previously granted the United States immediate possession of Tract RGV-WSL-4004 on February 6, 2020, and possession is not at issue.
5. The total sum of nine-hundred-eighty-five dollars and eighteen cents (\$985.18) out of the total funds on deposit with the Registry of the Court with accrued interest shall be subject to all real estate taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from this amount.
6. The Clerk of Court shall, without further order of the Court, disburse the total sum of nine-hundred-eighty-five dollars and eighteen cents (\$985.18) out of the total funds on deposit with the Registry of the Court, which remains on deposit in the Court's Registry, along with any accrued interest earned thereon while on deposit, to be

DISBURSED as follows:

- 1) **\$463.55** shall be payable by check to **Pedro J. Sanchez** with accrued interest from date of deposit;
- 2) **\$173.25** shall be payable by check to **Andres Jackson** with accrued interest from date of deposit;

- 3) **\$112.29** shall be payable by check to **Ray Mata** with accrued interest from date of deposit;
- 4) **\$66.22** shall be payable by check to **Gabriel Bryan Brewster** with accrued interest from date of deposit;
- 5) **\$66.22** shall be payable by check to **Lewis Brewster** with accrued interest from date of deposit;
- 6) **\$66.22** shall be payable by check to **James Brewster (a/k/a James Brian Brewster)** with accrued interest from date of deposit; and
- 7) **\$37.43** shall be payable by check to **Rolando Olvera** with accrued interest from date of deposit.

7. The 7 Defendants in agreement warrant (a) they were the shared owners of an undivided fee interest the Subject Property taken in this proceeding on the date of taking; (b) they have the exclusive right to their proportionate share of the compensation herein; excepting the interests of parties having liens, encumbrances of record, and unpaid taxes and assessments, if any; and (c) no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.

8. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interests in the property taken in this proceeding, the 7 Defendants in agreement shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by the 7 Defendants in agreement, to the date of repayment into the Registry of the Court.

9. The 7 Defendants in agreement shall be responsible for their own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.

10. There being no outstanding taxes or assessments due or owing, the 7 Defendants in agreement are responsible for the payment of any additional taxes or assessments which they otherwise owe on the interests in the property taken in this proceeding on the date of the taking.
11. The 7 Defendants in agreement shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments necessary to effectuate this stipulated judgment.
12. The 7 Defendants in agreement shall save and hold harmless the United States of America from all claims or liability resulting from any unrecorded leases or agreements affecting the interests in the properties taken in this proceeding on the dates of their respective takings.
13. This Agreed Order is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of the 7 Defendants in agreement.
14. **IT IS HEREBY ORDERED** that partial judgment is entered against the United States in this case as to only the 7 Defendants in agreement. This case shall remain **OPEN** on the Court's docket.

DONE AND ORDERED, this ____ day of _____, 2021.

RANDY CRANE
United States District Judge

REVIEWED AND APPROVED AS TO FORM AND SUBSTANCE

COUNSEL FOR PLAINTIFF:

s/ Roland D. Ramos

ROLAND D. RAMOS

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PRO SE DEFENDANTS:

By: s/ Pedro J. Sanchez (with permission)
PEDRO J. SANCHEZ

By: s/ Andres Jackson (with permission)
ANDRES JACKSON

By: s/ Ray Mata (with permission)
RAY MATA

By: s/ Lewis Brewster (with permission)
LEWIS BREWSTER

By: s/ James Brewster (with permission)
JAMES BREWSTER (a/k/a JAMES BRIAN BREWSTER)

By: s/ Gabriel Bryan Brewster (with permission)
GABRIEL BRYAN BREWSTER

By: s/ Rolando Olvera (with permission)
ROLANDO OLVERA